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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

LAURA A. GADDY, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

**Corporation of the President of the
Church of Jesus Christ of Latter-day
Saints**, a Utah corporation sole.

Defendant.

**[PROPOSED] AMENDED CLASS
ACTION COMPLAINT**

(DEMAND FOR JURY TRIAL)

Case Number: **2:19-cv-00554-RJS-DHP**

Presiding Judge: Robert J. Shelby

[PROPOSED] AMENDED CLASS ACTION COMPLAINT

I. NATURE OF THE CASE

1. This is a case brought by a former Mormon, on behalf of many others, against the Mormon Corporate Empire, directed and managed by the Corporation of the President of the Church of Jesus Christ of Latter-day Saints™ (COP), who created and directs a correlation committee (Correlation) to deceive lay members about known material facts of Mormon history.¹

¹ This case differs from intra-church property disputes and church ministerial appointments, which secular courts have largely exempted from their review under the Ministerial Exception or Church Autonomy Doctrine. Correlation is not an ecclesiastical tribunal for there is no input from non-COP employees, nor any faction thereof. It is controlled by the “Brethren” (COP’s top fifteen employees, more specifically defined *infra*). Nor is there a right

2. This case is not a claim for promulgating “false” religious beliefs or doctrine. It does not challenge normative statements by the Mormon Church, since such could never be adjudicated. Instead, Plaintiff claims that COP has engaged and continues to engage in a deceptive scheme to lie about Mormonism’s key foundational facts when at all relevant times the truth was known to COP, but hidden from its lay members. This scheme, which now appears to include lying about tithing use, was plotted to exploit lay LDS members and potential members, enabling COP to continue its accumulation of wealth and economic and political control over the State of Utah and elsewhere.

3. Within the past few years, COP has largely admitted the truth of the false statements it had previously made during the course of its history, and which had been known to it since before its creation in 1923. Whether characterized as fact, belief or doctrine, at the time COP’s Correlation published the statements, Defendant’s agents in charge lacked a sincere belief in the substance of those statements; they knew they were false. But a carefully protected and mind-controlled lay membership who was urged to trust its leaders, who would “never lead them astray” and taught to use correlated materials and no outside sources, knew nothing of the lies.

4. GADDY and others similarly situated, paid 10% of their earnings as consideration for the right to join the Church and/or participate in temple ceremonies which promise intact families that are to last throughout eternity. Without that payment, entrance is denied. Absent COP’s underlying scheme of lies which form the basis for members’ beliefs, tithing wouldn’t be paid.

5. In late 2019 an IRS whistleblower complaint was filed against COP. It provides

of intra-church challenge or appeal from its decisions through a church judicatory. The Brethren govern by fiat.

compelling documentation that COP used tithing principal (not merely investment proceeds) for profit-making entity expenses, including but not limited to \$1.4 billion in the development of City Creek Mall, Salt Lake City, despite repeated specific assurances by COP employees and agents that no tithing would be and/or was used for such a purpose. By comparison, COP had donated just \$1.1 billion in global humanitarian aid between 1985 and 2011.

6. In contrast to the longstanding false historical narrative offered by Correlation, when the true facts are discovered, the story that emerges has shocked devout Mormons, former and current, who have made life-altering decisions based upon a carefully concocted scheme of lies.

7. When the obscene accumulation of wealth and the fact that a comparatively tiny amount of tithing was used for humanitarian aid was revealed, Mormons were understandably distraught that after a life of paying 10% of their income, a big part of that amount had been stockpiled.

8. The case seeks certification as a class action based upon the large number of former Mormons who have been deceived by Defendant COP, by and through its employees and agents, as a result of the Mormon Corporate Empire's longstanding coordinated lies about its history, and now, lies about its past use of tithing donations and how it would use tithing in the future.

9. The case presents claims for easily calculable special damages for payments of cash and the value of services rendered to COP by unwitting lay Mormons. Plaintiff and those similarly situated also claim general damages for COP's non-RICO fraud and/or reckless infliction of emotional distress, which have caused severe emotional harm, for which COP is acutely aware.

II PARTIES

10. Plaintiff LAURA A. GADDY (GADDY) brings this Complaint on behalf of herself individually and all those persons similarly situated who have devoted their spiritual,

educational, cultural and social life to the Mormon Corporate Empire.

11. GADDY's allegations are based upon personal knowledge as to herself and her own acts and experiences, and as to all other matters, are based upon information and belief, including investigation conducted by her attorney.

12. GADDY is a citizen of Jacksonville, Onslow County, North Carolina.

13. COP is a corporation sole duly organized and operating since 1923 pursuant to the laws of the State of Utah. COP operates and advertises itself to the public as "the Church of Jesus Christ of Latter-day Saints."™ Throughout history it has commonly been called the Mormon Church, or Brighamite *aka* mainstream Mormonism. Its members, Mormons or LDS as shown in the "I'm a Mormon" advertising campaign (2011- 2013), created for COP by a public relations firm.²

14. COP is a holding company which owns and/or controls various wholly-owned subsidiaries and for-profit entities. COP's belief system (mainstream Mormonism), and the entire corporate structure governing Mormonism (its subdivisions, *dbas* and subsidiaries, including but not limited to the Church Education System, Correlation Department, Intellectual Reserve Inc., Deseret Management, Bonneville International, Ensign Peak Advisors, local, national and global leaders, global temples and leadership, et. al.) along with the Corporation of the Presiding Bishopric (CPB), an entity which is subject to the direction of COP and which holds the real property of COP, constitute the Mormon Corporate Empire ("the Empire").

15. COP oversees the Empire through a hierarchy of employees and agents described *infra.*, and is headquartered in Salt Lake City, Utah. The Empire claims a membership of more than

² In 2019 President Russell L. Nelson announced it was no longer acceptable to refer to the Church as Mormon, its members as Mormons or LDS (latter-day saints); the preferred term is now the Church of Jesus Christ of Latter-day Saints. Since then COP has changed its domains and other identifiers to comply with that edict. According to some, the *Book of Mormon* was so named because its founder created it as one of his schemes in a life-long con. He'd hoped the *Book of Mormon* would bring "MORE-MONey."

sixteen million worldwide. COP has two primary functions: 1) to manage the tithing and other income received through activities performed within the Empire; and, 2) to ensure that all instruction and education of lay local members, including young missionaries as well as potential members recruited by those missionaries, are taught a false version of known Mormon history.

16. COP established a Church Educational System (CES) which oversees Correlation.

17. COP operates meetinghouses or chapels across the United States and many other countries in the world, including several in North Carolina and one in Gastonia, North Carolina.

Its principal place of business is 50 E. North Temple, Floor 20, Salt Lake City, Utah, 84150.

III THE MORMON CORPORATE EMPIRE³

18. The Empire is composed of distinct levels of participation: A) Paid General Authorities; B) the Educational Empire; C) for-profit business entities; and, D) Volunteer Local Leadership.

A. Paid General Authorities (GAs)

19. The Empire is led by fifteen apostles, all of whom are male. Russell M. Nelson is the current president, sole officer and shareholder of COP. The president selects two other apostles as counselors. The three men function as the First Presidency, the governing body of the Empire.

20. The Quorum of the Twelve Apostles (the Quorum) is the next highest-ranking governing body in the Empire, second only to the First Presidency. Together, the First Presidency and the Quorum are colloquially called “the Brethren,” and constitute the highest-ranking General Authorities (“GAs”) of the Empire. The Brethren are COP paid employees. Upon information and belief, the Brethren and/or their families and relations, are also involved in various businesses affiliated with the Empire, for which they receive passive income and other benefits.

³ See Exhibit No. “1” to the Amended Complaint, Mormon Corporate Empire Organization Chart.

21. GAs besides the Brethren include the Presiding Bishopric (which leads the Aaronic, or lesser priesthood as opposed to the Melchizedek or greater priesthood) and the Seventies, of which there are currently eight quorums. The Seventies, who preside over worldwide areas, are COP employees; each Seventy is paid a six-figure salary, along with other benefits.

B. Unpaid Local Leadership

22. The Empire is organized at the local level by stakes, or districts, which in turn oversee respectively, several wards or branches; both are geographic units which are similar to a parish. A branch is a quantitatively smaller version of a ward within the mission district boundaries. A district is a numerically smaller stake, generally found in missions.⁴ All stake leaders are called to serve by GAs. Stake officers call bishops/branch presidents to serve in the wards/branches.

23. Each stake is a separate registered corporation sole under the North American Industry Classification System (NAICS). Historically, each stake had been considered a religious organization, while COP is listed as “other.”

24. The bishopric or branch presidency (which is composed of a bishop or branch president and his two counselors) is the leader of the ward and is supported by a clerk and an executive secretary who respectively attend to the ward’s financial and administrative concerns. Among those duties is the collection of tithes and offerings from ward or branch members.

25. Per COP directive, local lay leaders are subject to the direction of COP’s paid employee-leaders. COP provides correlated instructional materials and requires that the local leaders/teachers instruct members over whom they preside, limited solely to the contents of correlated manuals, “no outside sources” to be used. They also ensure that tithing and other

⁴ Hereinafter, whenever stake is mentioned it is meant to include district. Similarly, whenever ward is referenced it is meant to include branch.

money is collected from lay Mormons and remitted to COP. Local lay leaders cultivate commitments to unpaid service by lay Mormons whether at weekly meetings or as missionaries.

26. In addition to unpaid local leaders, mission presidents head the mission districts by supervising unpaid missionaries around the world. Mission presidents receive a generous annual living stipend and other benefits for their family. They are called to serve by GAs.

27. At the age of twelve, all Mormon males are eligible to become members of the priesthood. Mormon females of any age are not ordained to the priesthood but serve under its direction. The bishop and administrators, as agents but not employees of the COP, send the total amount of tithing collected to the COP, which, as of 2012, has *carte blanche* to use the funds as it desires. It returns only a tiny portion of what is collected to each local ward for its support and for local member needs. After operating expenses are paid, excess tithing proceeds are placed in a hedge fund, the most well-known of which is Ensign Peak Advisors.

C. CES and Correlation - The Mormon Church Educational System

28. The Mormon Church Educational System (CES) includes several institutions which provide religious and secular education for both Mormons and unaffiliated students in elementary, secondary and post-secondary institutions such as BYU campuses and LDS Business College, as well as adult education and online programs. All religious instruction is carefully circumscribed by limiting teaching materials, including Church history, to Correlation-approved. A uniform system of censorship is administered by the CES Board of Directors. The Board consists of the Brethren, along with a Commissioner of Education and administrators.

29. Under the direction of the CES Board, Correlation compiles the content of all COP's official publications, including but not limited to what is taught at the local levels (stakes, wards

and branches), as well as the content of all missionary manuals and materials used to instruct the missionaries and used in recruiting converts to the organization. In order to facilitate this function, CES, through Correlation, ensures that only correlated facts are taught by all professional and lay church leaders at all Mormon institutions, schools, and conferences, including Sunday School, Relief Society (women's organization), Aaronic and Melchizedek Priesthood (men's organizations), Young Men, Young Women (teen organizations for each gender) and Primary (children's organization), and speeches at General Conference (§ 33 *infra*).

30. The Correlation Department was formed in 1961, to correlate all published materials used by members. Mormons are constantly reminded through the Empire's various communication divisions and methods to avoid reading anything other than correlated material concerning Mormon history. Often, such non-correlated materials have been labeled as "Anti-Mormon lies."

31. At the direction of COP, Correlation censors and manipulates all information taught to Mormons by their lay local leaders and to the missionaries in training, who in turn teach the same false facts to potential converts. For at least sixty years, Correlation has been the vehicle used to deliver COP's intentionally misrepresented facts, which facts are material to Mormonism's foundational history, and to the survival of the Mormon Corporate Empire.⁵

i. Missionaries

32. Mormon missionaries are typically young men and women who are recruited directly from high school as teens and are indoctrinated for two months by COP employees at a missionary training center (MTC). Retired married couples and older single women also serve.

⁵ Members of the current COP First Presidency have all held top leadership positions in the Church since at least the mid-1980s and thus have spent decades directing Correlation—Russell Nelson and Dallin Oaks as members of the Quorum of the 12 Apostles; Henry Eyring initially a CPB counselor, and later, as part of the Quorum of the 12.

After the MTC they are sent for a period of 18-24 months to a particular mission, located in most any country in the world, where they recruit others to join the organization. Like lay Mormon leaders, missionaries are not paid for their labors. Additionally, and typically, either the missionary or his or her family must provide that missionary's support for his or her mission.

ii General Conferences

33. Twice a year in April and October, a world General Conference (Conference) is held at LDS Temple Square in Salt Lake City (held today in the Conference Center adjacent to Temple Square), where the Brethren and various GAs speak. General Conference sessions are broadcast live and either attended, watched via satellite or more recently streamed live on the internet), by most all Mormons worldwide. At various times the GAs have made statements which have become an oft-repeated precept among Mormons to the effect that neither the prophet nor the Brethren, GAs, nor any of the Mormon leaders will ever lead the members astray. This promise is initially instilled in young children's minds through song and continues to be emphasized throughout a Mormon's life. The promise has been made by the most prominent leaders since the days of Mormon president, Brigham Young, and repeated in conference up through at least 2014.

34. Additionally, GAs have reinforced and adopted as their own, the writings of Smith. Specifically, they have represented whether directly or by lack of disclaimer in canonized scripture, that Smith's claims are true and "without error."⁶

35. Mormons are encouraged to rely on the counsel of the Brethren, GAs and local leaders. Before they became GAs, most of these leaders were businessmen or professionals in areas as

⁶ Apostle Neal A. Maxwell, *Meek and Lowly*, originally delivered in a speech at BYU, subsequently published by Deseret Book, Salt Lake City: 1987, pp. 105-106. See also, *Sermons Not Spoken*, where Apostle Maxwell claims that "There is no error in the revelations Joseph taught!" Salt Lake City: Bookcraft (June 1, 1985, p. 6.)

law, medicine and organizational behavior. Most all have no formal theological training.

D. Profit-Making Business Entities

i. Deseret Management Corporation (DMC)

37. Deseret Management Corporation is a private asset management holding company of for-profit businesses owned by COP and an integral part of the Mormon Corporate Empire. DMC's Board of Directors includes the First Presidency, and upon information and belief, three rotating members of the Quorum, and the Presiding Bishopric of the CPB.

38. Bonneville International Corporation (BIC) is a media broadcasting corporation and wholly-owned subsidiary of the COP through its for-profit subsidiary, DMC. It began as a radio and TV network. It now owns over a dozen stations in major markets and an NBC affiliate television station in its home market; it also manages additional radio stations. In 1980 BIC formed Bonneville Communications Corporation, primarily to broadcast General Conference.

39. Deseret Book (DB), is a for-profit Utah corporation and wholly-owned subsidiary of DMC. It sells its publications through catalogs, e-mail, and the DeseretBook.com website. All publications and other items sold are COP-approved.

40. Deseret News Publishing (DNP), a 1931 for-profit Utah corporation, publishes *the Desert News*, one of two major Utah-based newspapers published in Salt Lake City, Utah.

41. Deseret Digital Media (DDM) develops and manages the many websites owned by COP.

ii Intellectual Reserve, Inc. (IRI)

42. Intellectual Reserve, Inc., as both a corporate subsidiary and a *dba* of COP, is subject to the oversight of the Correlation. IRI owns COP's copyrights and trademarks. Since its incorporation in 1997, it is often listed as publisher of correlated educational material.

iii Ensign Peak Advisors (EPA)

43. Ensign Peak Advisors is an asset and investment management firm created in 1997 which, upon information and belief, has accumulated profits from investing tithing to over \$100+ billion in a mostly liquid fund used to finance for-profit businesses, including the development of SLC-based City Creek Mall. It was also used to bail-out Beneficial Life Insurance, another for-profit COP affiliate, which as of 2009 has ceased to write insurance policies.

IV JURISDICTION AND VENUE

44. GADDY brings her Complaint under federal diversity authority, 28 U.S.C. §1332, as the parties are completely diverse in citizenship and the amount in controversy exceeds \$75,000.00, exclusive of costs and interest. The total claims of the proposed class exceed \$5 million dollars.

45. The Court has subject matter jurisdiction over Cause of Action V, as a federal question under the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. §1964(c).

46. The Court has pendent jurisdiction over Causes of Action I-IV and VI.

47. Venue is proper in this District under 28 U.S.C. § 1391(b). COP’s headquarters and principal place of business is located in Utah and a substantial portion of the acts and omissions alleged herein to have been committed by COP occurred or originated within this District.

V. FACTUAL ALLEGATIONS

A. General Factual Narrative

48. GADDY brings this Class Action Complaint against COP to obtain damages for herself and similarly situated persons injured by COP’s false statements critical to the foundation of Mormonism. Said false statements, misrepresentations and omissions about Mormon history and

source of its scripture, and as recently revealed, misrepresentations regarding the use of tithing funds, have been and continue to constitute a “scheme or artifice to defraud” perpetrated by COP for generations upon unwitting lay Mormons, as well as potential converts.

49. Joseph Smith, Jr., born in 1805, is the founder of Mormonism. Since creation of the Mormon Church in 1830, the organization has been labeled fraudulent by outsiders and former members, and is claimed to have been created only to enrich its founders; Smith grew up impoverished. Accounts from objective witnesses describe Smith as an indolent, arrogant and lazy, though cunning, young man. According to most non-affiliated accounts, he later became a criminal, adulterer, polygamist, counterfeiter and grew into a malignant narcissist who pretended to translate the words of ancient prophets into what is today, the Church’s canonized scripture. COP has revised Smith’s history to characterize him as innocent, earnest, barely literate and of good moral character, and the man who founded “the one and only true Church of God.”⁷

50. During his twenties, Smith and his brothers engaged in glass-looking or scrying where they used an ordinary appearing stone to pretend to find earthly treasures. He earned enough to live, though there is no indication that he ever found anything of value.⁸ In 1826 he was charged with the crime of glass-looking. No record has been found of a conviction, though there is record in Bainbridge, New York, of a type of preliminary hearing where witnesses were subpoenaed and costs assessed. Before he could be bound over for trial, it is believed that Smith fled the jurisdiction or took “leg bail.” At death, he was awaiting trial for destruction of a printing press.

51. There are two classes of Mormons. The difference was eloquently described by Ann

⁷ Mormonism’s claim since its beginning.

⁸ Witnesses who claimed they saw the gold plates and whose “testimony” is part of the preface to the *Book of Mormon*, all of whom ultimately left the Church, admitted that they saw the plates with “spiritual eyes” only.

Eliza, former wife of Brigham Young. That pronounced difference in class continues to this day:

Its [Mormonism's] leaders always have been and still are, supremely selfish, caring only for their personal aggrandizement, disloyal to the government under which they live, treacherous to their friends, revengeful to their foes; *insincere, believing nothing which they teach*, and tyrannical and grasping in the extreme, taking everything that their lustful eyes may desire, and greedy, grasping hands can clutch, no matter at whose expense it may be taken, or what suffering the appropriation may cause. But the people themselves have no part in the treachery, revengefulness, hypocrisy, or cupidity of their leaders, and should be judged from an entirely different standpoint.⁹

52. In 1911, the United States Senator from Utah, Frank J. Canon, noted:

...by means of its immense collection of tithes and its large investment in commercial and financial enterprise, it dominates every line of business in Utah except mines and railroads; and these latter it influences its control over Mormon labor and by its control of legislation and franchises.¹⁰

53. COP, which is now responsible for running the mainstream or Brighamite faction of Mormonism, has lied about the key foundational events of Mormon history. Among other misrepresentations, COP claims in canonized scripture that founder Smith claimed to have seen God the Father and his Son Jesus Christ in 1820 when he was a fourteen-year-old boy. The antecedent to that vision was ostensibly Smith's confusion as to which of the many religious sects he was exposed to in the Erie Canal region of the eastern U.S. was true. According to COP, Smith claimed that both God and Jesus appeared to him as two separate beings, Christ told him that all religious creeds were false, that their professors were corrupt and that Smith should join none of them. COP claims that when Smith told others about the vision, he was persecuted.

54. But there is no record, in contemporary Mormon publications or for more than two

⁹ Ann Eliza Young, *Wife No. 19 or a Story of a Life in Bondage Being a Complete Exposé of Mormonism, and Revealing the Sorrows, Sacrifices and Sufferings of Women in Polygamy* (Hartford, Conn: Dustin, Gilman & Co., 1876) facsimile of 1876 ed. (Carlisle, MA: Applewood Books, 2009) p. 60. [Emphasis added].

¹⁰ Frank J. Cannon, *Under the Prophet in Utah: the National Menace of a Political Priestcraft* (1911), p. 159.

decades thereafter, with the specifics of the vision as COP claims Smith reported it. Indeed, it wasn't until 1844 when Smith was killed by a mob while imprisoned at Carthage, Illinois, awaiting trial, that the version which has been taught by COP was published. The only reliable primary source account of Smith's 1820 first vision is his handwritten account of 1832 wherein he claims that he saw "the Lord" who forgave him of his sins, which COP suppressed for years.

55. In 1827, after several years conversing with an angel, Smith was directed to Hill Cumorah (while continuing to search for treasure with a seer stone) where he found gold plates. Though Smith himself only claimed that he translated the *Book of Mormon*, published in 1830 by "the gift and power of god," COP has represented in all correlated material that Smith translated the book from ancient gold plates which were inscribed with the history and teachings of ancient Hebrew tribes who had immigrated to North America in 600 B.C.E. Smith sought to sell the copyright to the *Book of Mormon* in Canada, but with no interested buyer, he formed a church around it.

56. The church created by Smith and his followers grew in spurts, with setbacks as they moved across the midwestern United States. Along the way, Smith bought a papyrus from a traveling salesman. Smith claimed to translate the papyrus which he said was written in the same language as that which was inscribed on the gold plates, "Reformed Egyptian." That translation became another canonized book of scripture, the *Book of Abraham*, which is marketed as the writing of the Hebrew prophet, Abraham. The preface reads: "By his own hand upon papyrus" and the book includes three facsimiles which claim to depict Abraham interacting with an Egyptian pharaoh. However, since the late 19th Century, all non-Mormon Egyptologists are of the opinion that the papyrus, which re-surfaced in 1967 and from which it is acknowledged that

Smith translated the *Book of Abraham*, is merely an ancient Egyptian funerary document—the *Book of Breathings*—and has nothing to do with the Hebrew prophet Abraham, who lived long before the Egyptian civilization that is depicted on the papyrus.

57. Smith’s charisma and false confidence lent to church growth. He was supported by tithes from church members. Smith’s ego grew and he took many wives to the chagrin of his first wife, Emma. He pronounced himself a candidate for president of the United States and held parades in his honor, while in Nauvoo Illinois. He sent his most trusted supporters on foreign missions while he seduced their wives, ruined the reputations of young women who rebuffed him and started his own brand of masonry, modeling the LDS temple ceremony after Masonic rites.

58. After the move to Deseret Territory, under the leadership of Brigham Young, polygamy flourished. However, it was not until 1890 that Church president Wilford Woodruff promised to stop the practice with the “Mormon Manifesto” in exchange for the federal government admitting the State of Utah into the union. Despite that promise, for the next twenty or more years, hundreds of polygamous marriages were consecrated by leaders of the Church.

59. In 1898 Apostle B. H. Roberts was elected to the 56th U.S. Congress, but the House refused to seat him because he practiced polygamy. Later, the Senator Reed Smoot confirmation hearings dragged on from 1904-1907, with questioning of most every aspect of Mormon culture and practice, in part due to Church leaders’ blatant denial of polygamy, which was still practiced.

60. The Church continued to grow, members emboldened by the idea that men could become gods, if not in this life, in the next, and could have worlds and wives without end. Despite its prophet denying the teaching in national media, COP teaches a principle coined by former president, Lorenzo Snow that: “Man is as God once was, and that God is as man may become.”

61. Smith's original 1832 handwritten 1820 first vision account was ripped from a ledger book, whose chain of custody was preserved from transport across the plains to deposit in Mormon President Joseph Fielding Smith's private vault sometime between 1930 and 1965 and then later taped back in. There is no explanation in the *Joseph Smith Papers* or the ledger book as to why the 1832 account was excised and then replaced. The difference in the visions was discovered in the mid-1960s by a BYU student historian, who spoke privately with then President Fielding Smith. Thus, COP has known the true story of the first vision, suppressed that version and yet continued and continues to publish and promulgate a false version.

62. Prior to internet access Utah Mormons were isolated, but occasionally some members of the Church would come across damaging evidence. In response, the Brethren would assure them that such "evidence" was only "anti-Mormon lies," not to read it, that their leaders would "never lead them astray," and that they should only pay attention to correlated materials.

63. In 1945 Fawn Brodie, niece of Church president David O. McKay, published the acclaimed biography of Smith, *No Man Knows my History*, wherein she exposed many of the historical cover-ups and suggests Smith's narcissism. She was excommunicated from the Church for her writing. At the time of initial publication, her book was nearly impossible to find in Utah.

64. A similar response occurred when *Mormon Enigma*, originally published in 1984, which exposed Smith's tumultuous marriage with Hale, the horrors of Smith's polygamy practice and accounted for her relatively peaceful life after leaving Mormonism. Banned by Deseret Book. Apostle Dallin Oaks said he would do all in his power to suppress its circulation to Church members.¹¹

¹¹ Newell and Avery, *Mormon Enigma: Emma Hale Smith*, 2nd ed. (Urbana: Univ. of Ill. Press/ Doubleday, 1994).

65. In 1961 Correlation was created by the Brethren, ostensibly to coordinate teachings across the various locales, more importantly to censor damaging facts about its history. CES Correlation is overseen to this day by the Brethren and nothing is published that is not approved by them.

66. From the time of settlement in Utah and the Mormon corridor (Southern California, Arizona, Idaho and Nevada), the Brethren have had custody and control of the stone which Smith actually used to create the *Book of Mormon*. COP has forbidden lay members to see it or even know they possessed it. Finally, on Aug. 4, 2015, COP published a photograph of the stone.

67. Besides the seer stone, primary sourced journals and other documents brought by the pioneers across the plains to Deseret, have been secreted in the vault or Church archive offices.

In 1970, COP-controlled archives were opened for the first time and in 1972, Leonard J.

Arrington was appointed Church historian. Arrington wanted to write an accurate account of Church history. However, his desire was thwarted and projects continually quashed by the

Brethren. In early 1981 a sixteen-volume history of the Church which had begun under

Arrington's direction was canceled. Shortly thereafter, Arrington was removed as historian and a severely restricted access rule for scholars, even Church scholars, was instituted.

68. From the 1960s a cohort of Mormon intellectuals continued to search for and engage in the discussion of true history. Independent publications such as *Dialogue* and *Sunstone* were read by liberal Mormons and denigrated by the Brethren, who admonished the lay members not to attend symposia where such things were discussed. During this time Mormons were told that when the prophet speaks the thinking is done. They were directed to read only from Church-

approved sources. COP continued to teach that Smith's revelations were "without error."¹²

69. The Church continued to grow until high speed internet access became widely available. With the publication and rise of websites challenging its correlated history, membership increase began to slow. In 2013, a non-commissioned survey was presented to the Brethren which questioned approximately 3,000 Mormons who had resigned from the Church or had become inactive. Their consensus response was that the Church had lied to them about its history.

70. Several years ago, the first of several unattributed essays were published on the Church's website addressing many of the misrepresentations of the Church's history. The essays were not easily accessible, and not announced in biannual conference or in Sunday meetings. Publication of a new essay occurred every several months up through January of 2019, when the Church admitted it had no opinion on the location of any of the places in the *Book of Mormon*. Subsequently, a letter sent to local Church leaders advised them of the existence of the essays and that they could refer to them if ward members had questions on historical issues, with no instruction to announce them in Sunday meetings. Even later, the website finally noted that the essays had been accepted and approved by the Brethren. Prior to that time, some Mormons who had stumbled upon them believed they were written by Anti-Mormons who hacked LDS.org.¹³

71. Steven Snow, an attorney and official COP historian, admitted that the internet had forced the Church to become transparent with their history and that essays were released slowly without fanfare [no announcement in conference or ward meetings] so as to "inoculate" the members.¹⁴

72. Many devout members are unaware of the existence of the issues addressed in the essays

¹² See FN #6, *supra*.

¹³ In 2019 COP began transferring all data on LDS.org to a newly purchased domain: www.churchofjesuschrist.org.

¹⁴ See Exhibit No. 2 to the Amended Complaint, transcription of Stephen Snow's statement.

and to this day are shocked when the Church history they had been taught their entire lives, which versions many of them had taught to others in the mission field, is discovered to be false.

73. They had been taught that Smith claimed God and Christ had appeared to Smith and told him that all other churches were false and that he translated their key scripture from the writings of ancient prophets whose teachings became more important than the bible, and had no error. They had also been taught that the Hebrew prophet Abraham provided key cosmology and an explanation for a link between skin color and righteousness.

B. Specific Allegations of False Statements of Fact

74. The following are examples of COP's misstatements of material fact. Upon information and belief, there are many more which have occurred since 1923 and are still occurring.

75. 1937 Hill Cumorah Pageant Instituted. COP begins a decades long highly publicized theatrical pageant set in Hill Cumorah near Joseph Smith's home (COP will end the pageant in 2020). It depicted Smith's discovery of the gold plates and dramatizes the events in the *Book of Mormon*. Put on every summer in July, the pageant featured hundreds of LDS cast members, ornate costumes and special effects. It attracted approximately 35,000 persons annually.¹⁵

76. 1988 Misstatement of Material Fact in a Guide for Missionaries. is published under the trademark the Church of Jesus Christ of Latter-day Saints.¹⁶ This guide was used for many years and contains a role-playing dialogue meant to give missionaries examples of how to teach or engage with potential proselytes. It reads in pertinent part:

Situation 2

After a discussion about the Book of Mormon as scripture which is in addition to the Bible, "Mr. Peters [potential convert] then leans back in his chair with his

¹⁵ See Exhibit No. 3 to the Amended Complaint, a photograph of Hill Cumorah near Smith's New York home.

¹⁶ *MISSIONARY GUIDE* (Training for Missionaries) ©1988, Intellectual Reserve Inc.

hands behind his head. He is doing some deep thinking. He then brings his chair forward and says, "So what you're telling me is that a fourteen-year-old boy saw God the Father and Jesus Christ *and then translated the Book of Mormon from some golden plates?*" Sister Franks [LDS missionary] warmly replies, "That is exactly what we are saying." [Emphasis Added].

77. Upon information and belief, the above role-playing dialogue and teaching strategy remained in use until the publication of *Preach My Gospel* in 2004, when that publication replaced both the 1986 discussions and the 1988 Missionary Guide.

78. 1990 Letter to a Bishop by the Secretary to the First Presidency. F. Michael Watson, "The Church has long maintained, as attested to by references in the writings of General Authorities, that the Hill Cumorah in western New York State is the same as referenced in the Book of Mormon." October 16, 1990, in a letter mailed to a local LDS bishop.

79. 1997 Misstatement of Material Facts in Primary Manual. Young LDS including Plaintiff GADDY who was eleven at the time, and others like her, were groomed to accept the gold plate translation lie about *Book of Mormon* origins. This 1997 publication reads in pertinent part:

[The teacher is prompted to ask the children]: "What important work was Joseph Smith called to do?" [The manual prompts the teacher to]: Remind the children that the Book of Mormon is the translation of the golden plates... [And then, to] Discuss the many languages used throughout the world, and explain that the word translate means to change writing or speech from one language to another... [Ask the children] What was the language of the writings on the golden plates? (reformed Egyptian.) ...Show the picture of the golden plates, and discuss Joseph Smith's task of translating the strange writings on the plates... [Tell the children that] At first Joseph spent a lot of time becoming familiar with the plates and the language in which they were written...¹⁷

80. 1997 Misstatement of Material Fact in a Gospel Art Kit—Church History, used in teaching LDS members at the local level. In this gospel art kit under the picture of Joseph

¹⁷ "Lesson 6: Joseph Smith begins to Translate the Gold Plates," *Primary 5: Doctrine and Covenants and Church History* (1997) (Primary Manual for ages 8-11).

translating from the plates, by Del Parson, there is a summary. It reads in pertinent part:

When the Prophet Joseph Smith received the golden plates from the angel Moroni, he studied the strange language written on them. With Heavenly Father's help, Joseph translated the writing on the golden plates into words he could understand. Oliver Cowdery helped Joseph by being his scribe. As Joseph read out loud from the plates, Oliver wrote down the words. When the translation into English was completed, the book was printed. It is called the Book of Mormon.¹⁸

81. 1998 False Statement by President Gordon B. Hinckley on Live Television. Despite the fact that D&C §132 on polygamy remains canonized scripture, Gordon B. Hinckley made the following statement on Larry King Live on September 8, 1998 with re: the practice of polygamy: "I condemn it yes, as a practice, because *I think it is not doctrinal...*" [Emphasis added]

82. 2001 Misrepresentation by President Thomas S. Monson, who was speaking from the Hill Cumorah on satellite transmitted video, later published in the *Ensign* magazine. Monson reiterates what had been the official position for almost 100 years concerning the location of the burial of the gold plates and the area where the two civilizations the Nephites and Jaredites died. What follows is a transcription of Monson's words from that video. The presentation was broadcast by Bonneville Communications between Conference sessions on 1–2 April, 2000:

What a privilege to be here at the Hill Cumorah and to reflect on the momentous events that unfolded on September 22, 1827, when a plowboy prophet took a horse and wagon and, in the dark of night, rode to this hill, where he received an ancient record from the angel Moroni. In a remarkably short time, this untutored young man *translated a record detailing 1,000 years of history* and then prepared the Book of Mormon for public distribution. [Emphasis Added].¹⁹

83. GADDY and potential Class members like her listened to General Conference twice a year, including the programs in-between, over satellite broadcast into their home or, in LAURA

¹⁸ Gospel Art Kit-Church History, © 1997, IRI. See Exhibit No. 4 to this Amended Complaint, Smith with plates.

¹⁹ <https://www.lds.org/study/ensign/2001/04/special-witnesses-of-christ.html?lang-eng#title1> (Link to the audio last heard in 2010 is dead.) Speech later published in the *Ensign*, April 4, 2001, pps. 19-20 (Last viewed 05/07/ 2019).

GADDY’S case, from Salt Lake City to the local ward chapel in North Carolina. However, as of January 2019, COP “takes no position on the location of *Book of Mormon* geography.”

84. 2002 Misrepresentation of Material Fact by Mormon President. Near the time of the Salt Lake Winter Olympics, despite even Mormon Scientists’ concession that DNA research refutes any relationship between Jews and Native Americans, Mormon President Gordon B. Hinckley denied to a reporter for the German press in a video recording that such was the case:

Reporter: “What will be [sic] your position when DNA analysis will show [sic] that in the history never had been an immigration from Israel to North America?”

Hinckley: “It hasn’t happened. It hasn’t been determined yet. All I can say is that’s speculating. No one really knows the answer to that. Not at this point.”²⁰

85. 2003-2007 Lies about Tithing Use. At General Conference in April 2003, then LDS Prophet Gordon B. Hinckley announced with regard to City Creek Mall: “I wish to give the entire Church the assurance that tithing funds have not and will not be used to acquire this property [City Creek Mall]. Nor will they be used in developing it for commercial purposes.” This lie was repeated at least twice over the years until City Creek was opened. “The Church first announced three years ago it was planning to redevelop the downtown area to energize the economy of the city that houses its headquarters and to bolster the area near Temple Square [which includes City Creek Mall]. No tithing funds will be used in the redevelopment.”²¹ “Money for the project is not coming from LDS Church members’ tithing donations. City Creek Center is being developed by Property Reserve Inc., the church’s real-estate development arm,

²⁰ Geneticist and former Mormon bishop Simon G. Southerton concludes that “No scientist outside of Mormon culture believes that Middle Eastern populations migrated to the Americas prior to Columbus.” <http://simonsoutherton.blogspot.com/2014/02/tentative-faith-meets-uncompromising.html> (last viewed 03/30/2020). In November 2007 COP changed one word in the *Book of Mormon* to read that its [Book of Mormon] tribes were “among the ancestors” of the American Indians, instead of were the “principal ancestors” of American Indians. Upon information and belief, no announcement was made to Church members about the change or the reason for it.

²¹ “Church Releases Plans for Downtown Salt Lake,” *Ensign*, Dec. 2006, pps. 76–80.

and its money comes from other real-estate ventures.”²²

86. 2004 Misstatement of Material Fact and Omission in Guide to Missionary Service. This COP publication is provided to missionaries and sold at Desert Book. It depicts Smith experiencing a vision in a grove with two personages described. There is a painting of Smith appearing to translate directly from gold plates, with his scribe. There is no mention of the seer stone manner of *Book of Mormon* creation. This guide was used by GADDY and upon information and belief, others similarly situated, in their proselytizing efforts.²³ (Exhibit No “5”.)

87. 2005 Missionary Preparation Student Manual, published by COP, for use by Mormon students who plan to serve missions in an Institute class. The manual contains the misrepresentation that during Smith’s first vision he was visited by two personages and that the *Book of Mormon* was created by Smith translating directly from gold plates.²⁴ (Exhibit No. “4”.)

88. 2007 Sunday School Manual, Teachings of Presidents of the Church: Joseph Smith, used throughout the wards, and available to order from the COP-owned distribution center on LDS.org and from Deseret Book. Chapter One reads:

The First Vision: The Father and the Son Appear to Joseph Smith. ‘I saw two Personages, whose brightness and glory defy all description, standing above me in the air. One of them spake unto me, calling me by name and said, pointing to the other— ‘this is My Beloved Son. Hear Him!’ (p. 27).

a. The false version of Smith’s account of the first vision describes a dark presence prior to Smith seeing two personages who, after one introduced the other as his son, claims Smith claimed to have heard the Son say that all the creeds were wrong and he was to join none of them. The manual states that Smith claimed he would translate the record of Ancient

²² Doug Smeath, "Downtown renovation project," *Deseret News* March 27, 2007.

²³ Exhibit No. 5. to the Amended Complaint, *Preach My Gospel* (a Guide to Missionary Service) © 2004 IRI, p. 38

²⁴ Exhibit No. 6. to the Amended Complaint, *Missionary Preparation* (Student Manual, Religion 130) © 2005, IRI.

Americans inscribed on gold plates into what would be the *Book of Mormon*.²⁵

b. With re: the Egyptian papyri, the manual reads: “In 1835, the Prophet began *translating* the *Book of Abraham* from ancient Egyptian papyri that the Church had purchased. All these *translations* later became part of the *Pearl of Great Price*.” [Emphasis added] (p. 12). There is no disclaimer that the translation has been proven false by all non-LDS Egyptologists.²⁶

89. 2009 Misstatement of Material Facts in a Gospel Art Book. Smith’s first vision is depicted with two personages on p. 90 (Exhibit No. “8”). Smith is also depicted translating from gold plates at p. 92. (Exhibit No. “5”.) Volunteer, lay local teacher and young missionary LAURA GADDY, and others like her, frequently used the pictures in this art book to teach others.

90. 2011 Re-edited and re-released version of the 2005 Film *Joseph Smith: Prophet of the Restoration* is an hour-long film produced by the LDS Motion Picture Studio which is, upon information and belief, a subsidiary of BIC. These words appear at the beginning of the film: “The historical events represented in this story are true and occurred on the American frontier from 1805-1845.” The film shows: A) the first vision depicted as that false version where Smith was a 14-year-old boy, i.e., in 1820, when he saw two personages; and, B) Smith translating from gold plates, into what would become the *Book of Mormon*, no seer stone in sight.²⁷

91. In both versions the film falsely misrepresents Smith’s account of his first vision as one where he saw two personages who told him that he was to join none of the [currently existing] churches. The film also shows Smith retrieving golden plates and translating from them. There is no mention of a seer stone used in any fashion in the creation of *the Book of Mormon*.

²⁵ Exhibit No. 7 to the Amended Complaint and text from *Teachings of Presidents of the Church: Joseph Smith*, © 2007, IRI. at pps. 31-32 and pps. 6-7.

²⁶ References are from *Teachings of Presidents of the Church: Joseph Smith*, © 2007, IRI.

²⁷ Exhibit No. “9” to the Amended Complaint, screen shots taken from the film with related narrative transcription.

92. The film was re-edited and re-released in 2011. It was shown at the Joseph Smith Memorial Building adjacent to Salt Lake City Temple Square through 2015. As of the date of the filing of the Original Complaint, Aug. 5, 2019, it was available to watch in select LDS visitors' centers and online on the LDS.org website and at no cost through Amazon Prime Video.²⁸

93. 2017 False statements in the Pearl of Great Price Student Manual. (Religion 327) to be used by young Mormon Institute students.²⁹ The following are excerpts:

P. 76/186 Facsimile 3 shows that Abraham not only survived his experience in Egypt, but that he was invited by Pharaoh to sit on the throne and teach principles of astronomy..." P. 85/186 Facsimiles 2–3; Abraham 4–5 Abraham Taught the Egyptians and Saw a Vision of the Creation of the Earth...Indeed, facsimile 2 contains figures and explanations relating to the Lord's plan of salvation. For example, the explanations for figures 3, 7, and 8 establish a clear relationship between the contents of facsimile 2 and the ordinances of the temple...p. 78/186. Facsimile 3, figure 1. Abraham upon Pharaoh's Throne In figure 1 of facsimile 3, Abraham is shown seated upon the throne of Pharaoh, "reasoning upon the principles of Astronomy, in the king's court" (explanation for facsimile 3; see also the explanation for figure 1). It is clear in Abraham 3:1– 16 and facsimile 2, figures 1–5, that Abraham gained great knowledge of the principles of astronomy (pps. 76-78, 85, and 186).

94. False statements made in the *Book of Mormon* concerning the first vision and the origin of the *Book of Mormon* as being a translation from gold plates remain. The authorship and the attributions of the characters in the facsimiles in the *Book of Abraham* remain in many if not all of the respective canonized scriptures online and for sale by COP and its various subsidiaries throughout the Empire up through the date of the filing of the Original Complaint.

95. There also remained as of July 23, 2019, pictures on the LDS.org website of two personages appearing to the founding prophet, Joseph Smith, Jr. and of Smith translating from

²⁸ Additionally, COP released the film in several languages including ASL, Spanish, French, German, and Japanese.

²⁹*Pearl of Great Price Student Manual. (Religion 327)* by the Church of Jesus Christ of Latter-day Saints, Salt Lake City: Utah. August 2017. © 2000, 2017. Intellectual Reserve Inc.

gold plates.

96. As of July 23, 2019, pictures of Smith appearing to translate from gold plates by various artists remain on the COP-owned website, www.josephsmith.net. (Exhibit No. “10”.)

97. Toy gold plate replicas with inscribed unidentifiable characters, made by Latter*Day Designs were still offered for sale as of 2019 on DeseretBook.com. (Exhibit No. “11”.)

C. Mail and Wire Fraud Allegations

98. COP engaged in a scheme to defraud GADDY and other class members by means of fraudulently misrepresenting the facts relating to (among other things) Smith’s account of his 1820 first vision, Smith’s creation of the *Book of Mormon* and Smith’s translation of the *Book of Abraham*. COP knowingly devised or knowingly participated in a scheme and/or artifice to defraud GADDY and other class members to obtain the money or property of GADDY and other class members by means of false or fraudulent pretenses, representations, or promises, and/or engaged in a scheme to defraud GADDY and other class members by means of fraudulent statements and or making misleading representations designed to deceive GADDY and other class members about how their tithing was and would be used.

99. COP could foresee that the U.S. Postal Service and interstate wires would be used “for the purpose of” advancing, furthering, executing, concealing, conducting, participating in or carrying out these schemes, within the meaning of 18 U.S.C. §§ 1341 and 1343.

100. In particular, pursuant to the schemes to defraud GADDY and other class members, COP knew or could foresee that the U.S. Postal Service and interstate wires would be used to receive and/or deliver, *inter alia*, communications for the purpose of providing false historical accounts of Smith’s first vision, Smith’s creation of the *Book of Mormon*, and the translation of

the *Book of Abraham*, for the purpose of concealing the historical truth of Smith's first vision, Smith's creation of the *Book of Mormon*, and the meaning of the papyrus from which the *Book of Abraham* was sourced, and/or engaged in a scheme to defraud GADDY and other class members by means of fraudulently mispresenting and/or making misleading representations designed to deceive GADDY and other class members about how their tithing was and would be used, all the above for the purpose of persuading Mormons to donate their time, money, and energy for the economic benefit of the Mormon Corporate Empire.

101. COP acting singly and in concert, personally or through its agents, used the U.S. Postal Service and interstate wires or caused the U.S. Postal Service or interstate wires to be used "for the purpose of" advancing, furthering, executing, concealing, conducting, participating in, or carrying out a scheme and/or schemes to defraud GADDY and other class members, within the meaning of 18 U.S.C. §§ 1341 and 1343.

102. It is not possible for GADDY to plead with particularity all instances of mail and wire fraud that advanced, furthered, executed, and concealed the scheme and/or schemes because the particulars of many such communications are within the exclusive control and within the exclusive knowledge of COP. By way of example, however, COP specifically used the U.S. Postal Service or interstate wires or caused the U.S. Postal Service or interstate wires to deliver each and every electronic transfer, email, letter, mailing, conference speech, and other uses of the mail and wire described in paragraphs 74-97, above.

103. Upon information and belief, some of the wire communications described above occurred between persons in the same state but crossed interstate borders by reason of the technology and other mechanisms used to transmit the communication.

104. Each and every use of the U.S. Postal Service or interstate wires described above was committed by COP acting singly and in concert, personally or through its agents, with the specific intent to defraud GADDY and other class members or for obtaining the money or property of GADDY and other class members by means of false or fraudulent pretenses, representations, or promises. COP's acts of mail and wire fraud in violation of 18 U.S.C. §§ 1341 and 1343 constitute racketeering activity as defined by 18 U.S.C. § 1961(1)(B).

105. GADDY and other class members suffered, continue to suffer, and will suffer substantial injuries by reason of COP's acts of racketeering.

D. Facts Specific to Plaintiff, Laura Gaddy

Raised in Mormonism.

108. GADDY was raised by a single mother who joined the Church in 1979. GADDY, along with her three older siblings, attended the LDS ward in Gastonia, North Carolina. She participated extensively in all the Church auxiliary programs from Primary onward, including Sunday School, Young Women and at age seventeen, Relief Society. She sang children's tunes about Smith's golden plates being a record made by [the ancient prophet] Nephi and Smith's account of the first vision in the sacred grove where he claimed to see two personages, God the Father and his Son, who told him that all creeds are false and that their beloved prophet should join none of them.

109. A typical week during her childhood was spent at the Mormon Church for three hours on Sunday, learning about Mormonism at Family Home Evenings on Mondays, attending auxiliary activities for several hours on Wednesday nights and various Church activities on Saturday, including performing chapel janitorial duties. During these activities, most of which were held at

the local chapel, she saw pictures of Smith translating directly from the gold plates and of his seeing two personages in a grove of trees during his first vision.

110. At twelve GADDY was worthy to attend the holy temple and be baptized for the dead.

She attended the Church's girls camp. She served in numerous callings from Relief Society president to visiting teaching coordinator and gospel study teacher. From age seventeen until early 2018, GADDY paid tithing on her earnings. She deposited the cash or a check in an envelope after filling out the form provided by the local ward. Like all contributions to the Mormon Corporate Empire, GADDY's contributions were forwarded by her local ward bishopric to the COP.

111. Since childhood, it was GADDY's pattern and practice to listen twice a year to both Saturday and Sunday General Conference sessions, initially via broadcast to her local North Carolina chapel from Salt Lake City, where she was assured that her spiritual leaders would never lead her astray. She ordered temple garments, teaching materials, and mementos from Deseret Book by telephone, and then later, online through Deseret Book's website.

112. GADDY graduated high school in 2005. From age seventeen to nineteen she drove 25-40 miles to attend Institute and singles wards while working as a waitress to save for a mission.

Gaddy's Dedicated Service to the Mormon Corporate Empire

113. While living in Gastonia, GADDY's stake president recommended that she serve a mission. She prayed about it and in 2005 received her mailed calling from COP headquarters. All twelve members of her family gathered around while she opened the envelope to reveal she had been called to the Hamburg, Germany Mission. Having received the academic award for the German language in high school, at age nineteen GADDY left for her mission.

114. GADDY stayed just 2.5 weeks at the MTC due to her facility with the German language. While there, nothing but correlated information was presented about the historical restoration of the Mormon gospel. GADDY was never taught anything about various versions of the first vision, Smith using a seer stone to create the *Book of Mormon*, or the notion that Smith wrongly characterized Egyptian deities as the Hebrew prophet Abraham. COP had always been characterized these truths as “Anti-Mormon lies.” Excited to serve, once in Germany GADDY taught discussions from the COP-approved Missionary handbook, which included pictures of Smith in the sacred grove with two personages and Smith translating the *Book of Mormon* directly from golden plates. She also taught from the *Book of Abraham*.

115. After serving in Germany for nineteen months honorably, but with credit for just two converts, she returned home discouraged, convinced that her personal imperfections were responsible for her failure to secure more converts. However, she remained faithful

116. When she returned home to North Carolina, she applied to and was accepted at Western Carolina University. During this time, GADDY discussed her college plans with her stake president, who told her she should apply to a Church school. He looked at her and said with the stern force of prophecy “You should go to BYU-Idaho. You will meet your husband there.” In reliance on that prophecy, she declined acceptance to her local school and embarked on a 2,000-mile cross-country move to BYU-Idaho, in Rexburg.

117. GADDY graduated BYU-Idaho with a bachelor’s degree. While there, she took additional Mormon religion courses and attended Institute. She used the Institute and religion course manuals which never hinted at Mormon historical anomalies. GADDY dated and remained in the Rexburg area for three months after graduation in an attempt to fulfill her stake

president's prophecy, but did not meet her husband.

118. She found a job in her specialty in Florida and lived with a Mormon family there for approximately two years. After much discussion and counseling with her bishop where she confided the hopes, fears and disappointments of her young life, GADDY decided that Florida was not the right place for her. She looked for a professional position elsewhere.

119. Ultimately, GADDY took a job in Texas and attended a singles ward, where she met her husband in April, 2015. They were married in the Rexburg Idaho Mormon temple in December of 2015. Two of GADDY's sisters were barred from the ceremony since the older one was not temple worthy and the younger deemed too young.

120. During her youth and young adulthood, she encountered nothing that caused her to question or contradict any of the misrepresentations. She, like all others who have been raised in the Mormon organization, had been admonished not to read outside of COP-approved sources.

121. GADDY and her husband remained active. She taught Relief Society in her ward. During her temple recommend interviews she readily acknowledged that she paid a full tithing. She had relied upon COP's representations that tithing was used for Church expenses like missionary and educational funds, temples, *Book of Mormon* publication, and humanitarian aid. When asked if she associated with any whose practices were contrary to church teachings, she truthfully answered "no," securing her worthiness to enter the temple and obtain exaltation.

A Shocking Discovery Leads to Research

122. Then, in February of 2018, she was preparing a lesson for Relief Society. In search of conference talks to supplement her lesson she googled "Mormon videos" and came across a link to a video of an interview with Josh Durham, a Mormon physician, who talked about mind

control and Steve Hassan's B.I.T.E. model of religious extremism in the context of Mormonism.

123. Dr. Durham stated that Smith lied about his personal participation in polygamy. At first, GADDY did not believe what she was hearing, she wanted to prove Dr. Durham wrong. She had always been taught that Smith had just one wife, Emma Hale. She researched Smith's participation in polygamy but found nothing dispositive on the LDS.org website. She did find a link on LDS.org to another site where Smith's wives were listed. Thinking that since the Mormon website linked to an outside source from its own site, therefore she was allowed to read it, she viewed websites that addressed Smith's lies about his polygamy, which led her to sites where other historical issues were addressed. Over time, the conclusion was inevitable—true Mormon history was radically different from what she had been taught. In late 2019 she learned that the tithing which she had paid under the belief that it was used for church expenses or humanitarian aid appears to have also been used for business enterprises affiliated with COP.

124. GADDY attempted to discuss the historical issues with her family and friends, all of whom either refused to listen to her or trivialized her concerns. She was alone in her despair.

125. She found that she could not reconcile what she had learned with continuing membership in the Mormon organization. Ultimately, some months after that rude awakening, she resigned from the Church.

126. GADDY is now in counseling for the severe emotional distress she has suffered upon learning that her trusted spiritual advisors have misrepresented the truth of known historical facts upon which her faith was built and that her entire life has been based upon a lie.

E. Class Factual Allegations

127. The following individuals are excluded from the Class: (1) any Judge or Magistrate presiding over this action and members of their families; (2) Defendants, their subsidiaries, parents, successors, predecessors, and any entity in which Defendants or its subsidiaries or *dbas*, have a controlling interest and their current or former employees, officers and directors; (3) Plaintiffs' attorneys; (4) persons who properly execute and file a timely request for exclusion from the Class; (5) the legal representatives, successors or assigns of any such excluded persons; and (6) persons whose claims against defendant have been fully and finally adjudicated and/or released. Plaintiff anticipates the need to amend the Class definitions following appropriate discovery.

128. Definition of the proposed class: All who have resigned from the Mormon Church less than four years prior to the date of the filing of the Original Complaint—August 5, 2019 (subject to tolling), and those who resign thereafter and who do not opt-out of the Class.

129. Numerosity [Size]: The exact size of the Class is unknown and not available at this time, but it is clear that individual joinder of all persons is impracticable. COP has in its possession a list of those who have requested that their names be removed from its records. Additionally, on information and belief, more than twenty-six thousand (26,000+) Mormons have used the website www.quitmormon.org to resign since it was created in or about 2012. Members of the Class can be easily identified through Defendant's records of those Mormons who have resigned within the dates set forth in ¶128. Not all of those persons have resigned due to misrepresentations alleged in this Complaint; however, upon information and belief, and according to an *LDS Personal Faith Crisis Report*, most all of such persons consider the lies

about key Mormon history, including the source of its scripture, as the primary reason for resignation.³⁰

130. Commonality/Typicality and Predominance: There are many questions of law and fact common to the claims of Plaintiff and the Class; those questions predominate over any questions that may affect individual members of the Class. Common questions for the Class include but are not necessarily limited to the following: the ongoing misrepresentations of Mormon history which have caused Class members to question Mormonism. Furthermore, the type of psycho-social issues caused by Defendant's alleged deception are common to potential Class members, as set forth in the *Faith Crisis Report*. Finally, the damages suffered by members of the Class are of the same type: funds paid in the form of tithing and other expenses (mission expense, tuition, etc.) in reliance on COP's misrepresentations of Mormon origins and thus are readily calculable.

131. Adequate Representation: LAURA GADDY will fairly and adequately represent and protect the interests of the Class. She was a leader who served in various Church callings on her mission and in her wards. GADDY's Counsel has more than 30 years' experience as a civil litigation attorney, experience in multiparty litigation from both a defense and plaintiff side, and class action experience. Neither GADDY nor her counsel has any interest adverse to the Class. Neither does Defendant have any defense unique to GADDY. GADDY and her counsel are committed to vigorously prosecuting this action on behalf of the members of the Class and have the resources to do so.

132. Appropriateness per Fed. R. Civ. P. 23 (b) (1): Prosecuting separate actions by or against individual class members would create a risk of: (A) inconsistent or varying

³⁰ https://faenrandir.github.io/a_careful_examination/documents/faith_crisis_study/Faith_Crisis_R28e.pdf

adjudications with respect to individual class members that would establish incompatible standards of conduct for the party opposing the class; and (B) adjudications with respect to individual class members that, as a practical matter, would be dispositive of the interests of other members not parties to the individual adjudications or would substantially impair or impede their ability to protect their interests.

133. Defendant's business propaganda practices apply to and have affected the members of the Class uniformly, and GADDY's challenge of those practices and claim for damages as a result of those longstanding practices hinges on Defendant's conduct with respect to the Class as a whole, not on facts or law applicable only to GADDY. Additionally, the damages suffered by individual members of the Class will likely be small relative to the burden and expense of individual prosecution of the complex and protracted litigation necessitated by Defendant's actions/omissions. Upon information and belief, COP is worth in excess of \$100 billion dollars and has access to the best attorneys in the United States. Thus, it would be virtually impossible for the members of the putative Class to obtain effective relief from COP's fraud on an individual basis. A class action provides the benefits of single adjudication, economies of scale, and comprehensive supervision by a single court. Economies of time, effort, and expense will be fostered, and uniformity of decisions will be ensured, especially given that appeals are likely.

134. Fed. R. Civ. P. 23(b) additional pertinent matters. A class action is superior to other available methods for fairly and efficiently adjudicating the controversy in that it would be judicially expeditious for the matter to be litigated in this particular forum, given it is the location of Defendant COP and that much of its actions/omissions occurred in this jurisdiction. Furthermore, upon information and belief, the majority of the witnesses to said actions are

located within this forum or very nearby.

135. Fed. R. Civ. P. 23(c) notice to potential class members: Upon information and belief, notice required per this subsection can be easily accomplished as described in the numerosity section above. Notice in compliance with the above section can be accomplished through discovery requests to Defendant to identify those who have resigned during the circumscribed period through COP's membership rolls. It is widely known that COP maintains records on those who have resigned, often sending representatives to those members who have moved and/or become inactive or resigned months and even years after the members' activity has ceased.

FIRST CAUSE OF ACTION: COMMON LAW FRAUD

136. Plaintiff incorporates paragraphs 1-135 as though fully set forth herein.

137. COP by and through its agents made the following statements.³¹ Those listed are among many others made repeatedly and through the decades from at least the 1960s onward. These statements were made by COP employees in the course and scope of their employment with COP subsidiaries and departments, and also by unwitting volunteer lay leaders, teachers and missionaries, acting at the behest and following the specific instruction of the COP hierarchy.

138. *Joseph Smith, Jr. translated writing inscribed on gold plates by ancient American immigrants of Hebrew origin and that transcription became the Book of Mormon manuscript.*³²

139. *The Hebrew prophet Abraham wrote the inscriptions on the 1967 recovered papyrus (which Defendant has conceded is the papyrus used by Smith, who claimed to translate it from "Reformed Egyptian"), which is the source of the Book of Abraham. The facsimiles contained*

³¹ The italicized language is the false portion of the statements at issue.

³² Exhibit No. 12 to this Amended Complaint, is a montage of artwork by various artists displayed in Mormon chapels, temple grounds, and pictures of the same in multiple correlated publications disseminated worldwide.

*within the Book of Abraham depict the Hebrew prophet Abraham and/or events in his life.*³³

140. *The Book of Mormon Hill Cumorah is located in upstate New York, near Smith's home.*³⁴

141. *Smith's account of a vision he experienced in 1820 [which COP Correlation has always described as his "first vision"] detailed the appearance of two separate personages, God the Father and His Son, Jesus Christ. God said: "This is my Beloved Son, hear him." Christ told Smith that all creeds were false, all professors of those creeds were corrupt and that Smith should join none of them. Shortly thereafter, when Smith relayed the specifics of the 1820 vision to a Methodist minister, Smith was soon persecuted by other persons in his community.*³⁵

142. *Joseph Smith was married to one wife, Emma Hale Smith.*³⁶

143. These statements, which have been widely promulgated and distributed over at minimum the last six decades, if not almost 200 years, are known as the orthodox narrative. As COP now admits, these statements are unfounded. What follows is the recently admitted truth behind the prior statements made by Defendant, COP:

144. Eye witnesses attest that Joseph Smith created the *Book of Mormon* while his head was buried deep in a [stovepipe] hat containing the stone which he has previously used to search for buried treasure. He dictated the *Book of Mormon* manuscript in that posture, no plates used.³⁷

³³ Exhibits to this Amended Complaint: No. "13A," Preface to the *Book of Abraham* and No. "13B," a comparison of the figures depicted in *Book of Abraham* Facsimile No. 3 as translated by Smith vs. Professional Egyptologists.

³⁴ Exhibit No. "3" to this Amended Complaint, Hill Cumorah photograph © 1907 and references therein.

³⁵ See Exhibit Nos. 6-9, inclusive, depicting the false version of Smith's account of the first vision, and the History of Joseph Smith, Chapter 2: verses 14-22.

³⁶ *Joseph Smith: Prophet of the Restoration* (¶¶ 87-89, *supra*.) The film depicts he and Emma as a happily married monogamous couple.

³⁷ "Some accounts indicate that Joseph studied the characters on the plates [secondary sources only]. Most of the accounts speak of Joseph's use of the Urim and Thummim [either the interpreters (eyeglasses claimed to have been discovered with the plates, but never used) or a euphemism for the seer stone], and many [in fact, all primary] accounts refer to his use of a single stone. According to these accounts, Joseph placed either the interpreters or the seer stone in a hat, pressed his face into the hat to block out extraneous light, and read aloud the English words that appeared on the instrument." "Book of Mormon Translation," *Gospel Topics Essays* (2016).

145. Defendant now admits that the Hebrew prophet Abraham did not write on the 1967 recovered papyrus (which Defendant concedes was the papyrus used by Smith). Additionally, COP admits that *the Book of Abraham* facsimiles do not depict the Hebrew prophet Abraham.³⁸

146. “The Church does not take a position on the specific geographic locations of Book of Mormon events in the ancient Americas [which includes the Hill Cumorah].”³⁹

147. There are [at least] six versions of the first vision. The 1832 account, where Smith writes that the Lord appeared and forgave him, is the only account in Smith’s handwriting. In 1835 the “Fifth Lecture on Faith” was published in the Church’s *Messenger and Advocate* which contains an article that claims God is a spirit. Smith oversaw the committee which wrote it. In 1839, the Brethren modified its version of the 1820 vision, adding details to prior versions. The modifications were not shared with Church members. No version of the false orthodox account was published until 1842 in the single issue of the Church newspaper, the *Nauvoo Expositor*.⁴⁰

148. Smith “married” up to 40 women, some young teens. Smith also engaged in sexual affairs with the wives of married Mormon men, many of whom he had sent on foreign missions. Emma Hale had a tumultuous marriage to Smith, due to among other things, his extreme infidelity.⁴¹

149. *COP’s agents* made all of the above statements knowing they were false at the time they were made, or made the statements recklessly and without regard for their truth. They lacked a sincere religious belief in the substance of the statements as evidenced by the following:

150. Since the beginning, Mormon leaders have engaged in a documented history of

³⁸ “Translation and Historicity of the Book of Abraham,” *Gospel Topics Essays* (2016).

³⁹ “Book of Mormon Geography,” <https://www.churchofjesuschrist.org/study/manual/gospel-topics/book-of-mormon-geography?lang=eng>. (Last viewed March 30, 2020).

⁴⁰ “The earliest known account of the First Vision, the only account written in Joseph Smith’s own hand, is found in a short, unpublished autobiography Joseph Smith produced in the second half of 1832... He wrote that “the Lord” appeared and forgave him of his sins.” “First Vision Accounts,” *Gospel Topics Essays* (2016).

⁴¹ “Plural Marriage in Kirtland and Nauvoo,” *Gospel Topics Essays* (2016).

deception. COP continues this pattern and practice of lying. What follows is some of the evidence of early Mormon leaders as well as Defendant COP's institutional practice of lying:

- a. 1833. Martin Harris, who financed the publication of the *Book of Mormon*, said in response to his wife's wish that he quit the Mormonites: "What if it is a lie; if you will let me alone, I will make money out of it!" ⁴²
- b. 1833. Smith conned his family into believing that a load of white sand wrapped in his frock was the rumored Canadian gold pates. "'Now,' said Jo, 'I have got the damned fools fixed, and will carry out the fun.' Notwithstanding, he told me he had no such book, and believed there never was any such book..."⁴³
- c. 1843. Joseph Smith acknowledged that his followers were "the greatest dupes."⁴⁴
- d. 1836-1847. In Kirtland, Ohio, Church leaders created a "bank" with worthless notes and have been charged with counterfeiting. ⁴⁵
- e. Circa. 1857. Mormon leader Brigham Young bragged that [the Church] has "the greatest and smoothest liars in the world."⁴⁶
- f. 1904-1907. President Joseph F. Smith and others lied under oath at the Reed Smoot confirmation hearings denying the post-1890 manifesto sanctioned practice of polygamy.
- g. Circa 1956. Former COP Historian and later, president, Fielding Smith openly

⁴² Affidavit of Abigail Harris, Palmyra, N.Y., Nov. 29, 1833. *Mormonism Unveiled*, 1834, p. 833 by Eber D. Howe.

⁴³ Affidavit of Peter Ingersoll, Palmyra, N.Y. Dec. 2, 1833. *Early Mormon Documents* 2: 39-46, by Dan Vogel.

⁴⁴ Joseph Smith's journal, June 30, 1843, p. 288, Willard Richards, Smith's scribe, notes: "[Esquire] Walker was introduced [to the congregation, which Joseph said,] as a body of people, [were] the greatest dupes that ever were or he is not as big a rouge...as he is supposed to be..." *An American Prophet's Record*, p. 392, Scott H. Faulring, ed.

⁴⁵ See *Secret Combinations: Evidence of Early Mormon Counterfeiting 1800-1847*, by Melonakos, Kathleen, 2016.

⁴⁶ *Journal of Discourses*, 4: 77, Brigham Young, 1857.

denied the legitimacy of the seer stone translation.⁴⁷

- h. Sometime between 1930-1965, while serving as official Church historian, Apostle Joseph Fielding Smith removed founder Joseph Smith's original account of his 1820 vision out from Smith's ledger book kept in Fielding Smith's office vault.⁴⁸
- i. 1961. Creation of Correlation. "The new church that emerged in the 1970s was a far cry from the theocratic commonwealth conceived by Joseph Smith."⁴⁹
- j. 1972-1981. COP's censorship and demotion of Church historian Leonard J. Arrington, who wanted to publish accurate Church history. His struggles are documented in his private journals which he kept from 1972-1997.⁵⁰
- k. 1981. COP Apostle warns CES employees that they must lie to students. "Some things that are true are not very useful."⁵¹
- l. 1992. BYU professor David Knowlton is fired after TV interview where he admits: "I'm ashamed, frankly, of a church that doesn't want to tell the truth. I'm ashamed of institutional lying." Said in the context for COP's denial about the fact that it keeps files on members' commitments to the Church and their activities.⁵²

⁴⁷ "...there is no authentic statement in the history of the Church which states that the use of such a stone was made in that translation. The information is all hearsay, and personally, I do not believe that this stone was used for this purpose." Joseph Fielding Smith, *Doctrines of Salvation*, 3:225, Salt Lake City: Bookcraft, 1956.

⁴⁸ "Another Look at Joseph Smith's First Vision." Stan Larson, 62 *Dialogue: A Journal of Mormon Thought*, 47, no. 2 (Summer 2014), p. 39, *et. seq.*

⁴⁹ <https://www.sunstonemagazine.com/wp-content/uploads/sbi/articles/045-18-22.pdf> Peter Wiley, p. 22. Excerpted from *America's Saints: The Rise of Mormon Power* by Robert Gottlieb & Peter Wiley © 1984 G. P. Putnam's Sons.

⁵⁰ "New Collection of Leonard Arrington's Vast Journals Shows Battles the Mormon Historian had with LDS Leaders Over Telling the Truth About the Church's Past." *Salt Lake Tribune*, May 9-10, 2018, by Bob Mims.

⁵¹ Boyd K. Packer, "The Mantle is Far, Far Greater Than the Intellect," 1981, *BYU Studies*, Vol. 21, No. 3, pp. 259-271). According to former CES employee Ken Clark, Packer threatened and warned Church Education System Employees to suppress historical information when teaching LDS students. Ken Clark, "Lying for the Lord." P. 40. Nov. 14, 2012. <http://www.mormonthink.com/files/lying-for-lord-ken-clark.pdf>. Originally published in 2008, updated in 2012.

⁵² Anderson, Vol. 26 No. 1 Spring 1993, *Dialogue*, 46-47.

- m. 2008-2012. Former CES employee, Ken Clark: "...when the church or its leaders needed protection, it was, and is, okay to fib, deceive, distort, inflate, minimize, exaggerate, prevaricate or lie.”⁵³
- n. 2016. Richard L. Bushman, former BYU professor and one of three editors for the COP-affiliated *Joseph Smith Papers* project, has admitted about COP’s long-standing lies: “The dominant [false] narrative isn’t true—it can’t be sustained.”⁵⁴
- o. 2019. IRS Whistleblower complaint filed which rebuts claims that no tithing was used or would be used to develop City Creek Mall and the accumulation of a \$128 billion slush fund which supports no humanitarian aid, but has been used to fund COP profit-making businesses entities.⁵⁵

151. Admissions by some of the Brethren that they don’t believe what they teach: For example, according to journalist Steve Benson, evidence presented by his wife, Mary Ann, in a meeting with Apostles Dallin Oaks and Neal Maxwell that Solomon Spalding’s writing influenced the creator of the *Book of Mormon*, compelled Oaks to admit to the Bensons that a small part of the *Book of Mormon* may have been ripped off from other sources— but that even if that were the case, it was “not important.”⁵⁶

152. Statements by the Brethren that either the Church, the First Vision, founder Smith and/or the *Book of Mormon* are either true or that they are frauds, for example:

⁵³ “In my effort to defend the church from detractors I learned that members get excommunicated precisely because they publish the truth, and refuse to adopt lying, deception, or suppression of facts as an ethical standard. Loyalty is more important in the LDS church than honesty. I found this out the hard way while teaching for the Church Education System [CES].” “Lying for the Lord,” *Id.*, p. 3.

⁵⁴ Richard L. Bushman, PhD, Columbia Professor answering questions from a group of Mormons, *circa* summer 2016. <https://www.youtube.com/watch?v=MA0YS8LWWX4>, at 44:00/1:56:30 mins. (Last viewed 10/06/2019.)

⁵⁵ COP recently publicized aid to other countries during the COVID-19 outbreak; but upon information and belief, the funds came from an LDS member-funded charity for humanitarian aid. No funds came from the EPA slush fund.

⁵⁶ http://www.mormoncurtain.com/topic_spaldingmanuscript.html (Dead link- last viewed 12/08/2010).

- a. “Our whole strength rests upon the validity of that first vision. It either occurred or it did not occur. If it did not, then this work is a fraud.”⁵⁷
- b. “Either the *Book of Mormon* is what the Prophet Joseph Smith says it is, or this Church and its founders are false, deception from the first instance onward...[Smith] must either be accepted as a prophet of God or else a charlatan of the first order.”⁵⁸

153. That the information contained in these statements is material to a decision to remain in or join the Church has been acknowledged by the Brethren in words to the effect that the first vision is the very foundation of the Church, and the *Book of Mormon* is the keystone of the religion. Lies about the meaning of the translation of the papyrus from which the *Book of Abraham* was admittedly (at least in part) translated is listed in the *Faith Crisis Report* as one of the main reasons those Mormons left the Church, as was their discovery of Smith’s true character.

154. The materiality of these misrepresentations cannot be disputed. Their importance was admitted long ago. The *Faith Crisis Report* substantiates that very materiality. COP’s lying about any and/or all of these facts is the primary reason that Mormons have abandoned COP’s Church.

155. COP, acting through its employees and agents intended that Plaintiff GADDY and others similarly situated would rely on the correlated misrepresentations. The creation of Correlation and promulgation of lies throughout the Mormon Corporate Empire, together with admonitions not to listen to or read Anti-Mormon lies, or even scholarly journals proves intent.

156. GADDY and others similarly situated did in fact reasonably rely on the statements; and,

157. GADDY and others similarly situated suffered damages as more specifically described below as a direct result of relying on any and/or all of the aforesaid false statements.

⁵⁷ President Gordon B. Hinckley’s statement was published in COP’s magazines in 2002 and again in 2005.”

⁵⁸ Apostle Jeff Holland, *Christ and the New Covenant* (Salt Lake City: Deseret Book, 1997) p. 345.

SECOND CAUSE OF ACTION:

BREACH OF THE DUTY OF FULL DISCLOSURE

158. GADDY hereby incorporates paragraphs 1-157 above, as though fully set forth herein.

159. At all relevant times, GADDY and those like her had a relationship with COP employees and agents, wherein equity should imply a duty of full disclosure due to the trust COP invited to be placed in the Brethren, GAs, and local authorities like stake presidents and bishops. COP's leader agents were Plaintiff's and upon information and belief, other members of the Class' at the time they were persuaded to commit to the Church, superiors in age, knowledge of Mormon history, influence, bargaining power, and sophistication, if not cognitive ability.

160. COP invited trust. Its hierarchical leaders' rhetoric included oft-repeated precepts such as the [Mormon] leaders, the Brethren, and/or the prophet, "will never lead you astray." From a very early age, Plaintiff and others like her were groomed during childhood to become a trusting child and then a young adult who had been induced to relax the care and vigilance s/he would otherwise ordinarily have exercised for his/her own spiritual welfare.

161. Plaintiff and others similarly situated reasonably placed more than mere confidence in Defendant's agents in that at the repeated behest of COP's agent-leaders, both hierarchal and local, they reasonably reposed trust in numerous COP leader-employee-agents and relied on their guidance for all matters spiritual and those attendant issues related to spiritual matters, such as whether to serve a Mormon mission, where to attend university and/or whom and where to marry, besides giving 10% of their income to COP, even if they could not pay the costs of living.

162. COP's employee/agent leaders in fact exercised extraordinary influence over GADDY and young Mormons like her, who acted reasonably, given their deep background in the Church.

163. Said extraordinary influence and sustained restrictions and manipulation of these young persons' lives was and continues to be a form of mind control.

164. As older more experienced persons, in particular men who hold the priesthood, COP and its agent-leaders at all relevant times stood in a dominant position to GADDY and the Class. Indeed, GADDY and persons similarly situated are those who are groomed as children to follow the Mormon leaders without question. The following precepts have been and still are published and often repeated to GADDY and those similarly situated: "When the prophet has spoken the thinking is done." And, "...it is wrong to criticize the prophet, even if that criticism is true."

165. GADDY and others were given little if any time to investigate these claims independently since COP keeps young people and others busy with not only three hours of Sunday attendance, but other meetings during the week and for many members of the Class, daily seminary (usually early morning) study from age fourteen onward while in high school.⁵⁹

166. COP implored and continues to urge Mormons, in particular the young, to serve a mission shortly after high school, whereupon the young are further indoctrinated. On their missions their minds are deeply controlled, with daily indoctrination, no personal space away from a companion and no time or opportunity to explore any way of living other than Mormon.

167. Once they have returned from their missions, and despite the fact that many baptize few during their service, their investment and immersion in Mormon society and culture is so high that it takes years, even decades, before many dare inquire about Mormonism's foundational facts, let alone develop the ability to critically think for themselves and begin to question COP, its leader-employee-agents and the lies that they have been taught throughout a lifetime.

⁵⁹ Three hours was changed to two hours in 2018.

168. GADDY and young persons like her, reasonably relied on the false statements of fact and misrepresentations set forth above and others, re: the source of Mormonism as being correctly translated records of ancient American descendants of Israel by Smith, whom, according to COP's lies, had reported that he had been told in his first vision of two separate godhead personages that all [other] religious creeds were false. They further relied on the Old Testament Hebrew prophet's ostensible teachings from the *Book of Abraham* about cosmology, the preexistence of the human soul, and the ostensible moral inferiority of those with darker skin.

169. But for their reasonably placed cultivated trust and ensuing reliance, GADDY and others like her would not have spent years or even decades, dedicated to the Mormon Corporate Empire, its leaders and precepts, without inquiring into other belief systems and lifestyles.

170. Defendant COP by and through its agents took improper advantage of their collective superior knowledge, access to information, and positions of authority to misrepresent the history of Mormonism, and intentionally hid or omitted important facts from GADDY and the others.

171. Once COP made representations re: important history, they had a duty to make a fair disclosure about that history so as not to mislead GADDY and others who chose to enter into a commercial transaction with COP, as pleaded in the allegations set forth under this Amended Complaint's third cause of action (below): Fraudulent Inducement to Enter an Oral Contract.

172. COP and its agents breached that duty when it failed to fully disclose the truth of Mormonism's history, including the use of the seer stone in creating the *Book of Mormon*, that the keys facts in the first vision were not published until after Smith's death, that there are many versions of the first vision, that the seer stone that Smith used to dictate the *Book of Mormon* was kept hidden in the Church vault. That their founder had used the same seer stone to search for

buried treasure as his means of support, and was charged with a crime in doing so, during the time he was supposed to have been visited by angels who gave him instruction regarding the gold plates. That Smith was a polygamist, married to dozens of women and had engaged in polyandry, and other facts material to Plaintiffs' decisions re: their affiliation with Mormonism. Importantly, upon information and belief, Smith's use of the seer stone to create the *Book of Mormon* was NOT mentioned in Sunday school, General Conference or in stakes, wards or branches until sometime in 2017 or later (if ever) after a 2016 address was given to CES employees to become familiar with the controversial aspects of Mormon history. Thus, busy lay Mormons like GADDY remained unaware of how the key *Book of Mormon* was actually created.

173. Indeed, COP chose NOT to generally divulge the troubling facts of Mormon history. Rather, only after the truth began to be published on the internet, did Defendant decide to "inoculate" members in a piecemeal and limited fashion with its controversial history. If one had been subject to COP's mind control tactics and didn't happen to stumble across true Mormon history, one may never have had a reason to question history as taught by COP's agent-leaders.

174. Said deceptive acts were a cause of Plaintiff's and the Class' harm in that had GADDY and others like her known the truth, they would not have continued to donate to the organization, represent it as a missionary, preach that Mormonism was something it wasn't, pay 10% of their income to COP, attend Mormon universities and/or marry another Mormon in Mormon temples.

THIRD CAUSE OF ACTION:

FRAUD IN THE INDUCEMENT TO ENTER INTO AN ORAL CONTRACT

175. Plaintiff incorporates paragraphs 1-174 as though fully set forth herein.

176. Defendant COP made these statements and misrepresentations while they had no sincere

belief in their truth, intending that Church members and potential members would rely on them.

177. Defendant COP did not sincerely believe in the truth of the representations, that is, they knew they were false as shown by the above. At the very least, they made them recklessly ignoring their own historians, and without checking primary historical documents and artifacts, all of which were in their custody and control and have been since the nineteenth century.

178. COP intended that Plaintiff and similarly situated Mormons and potential members would rely on these correlated statements, so that they would either remain in, or join the organization, pay tithing and other money to COP and spend countless hours in service.

179. Defendant COP made the offer of the right to enter the temple and engage in its ceremonies and/or Mormon Church membership upon condition of, and in exchange for, a full 10% of one's income. If a full tithe is not paid, there is no admission, no benefits of Church membership with attendant cultural benefits, nor the perceived benefits of temple ceremonies.⁶⁰

180. COP made these misrepresentations to induce reliance by Plaintiff, the Class and others.

181. Plaintiff and others like her took steps to qualify to join the Church and later, to obtain their temple endowments. These young people remained qualified by continuing to pay a full tithe, so that she, and they, could attend a COP-owned university and/or marry in an LDS temple.

182. 10% of their income was paid as consideration for the right to endowed member status (one worthy to enter and partake of ceremonies in the temple) and/or regular member at baptism.

183. Plaintiff and others like her reasonably relied on COP's statements. Plaintiff and others like her were in an inferior position compared to COP's leaders/employees/agents, in that they

⁶⁰ Temple marriage ceremonies exclude non temple-worthy family members and friends.

had superior access to accurate information upon which the misrepresentations were based along with other factors as enumerated more particularly in the Second Cause of Action, above.

184. An implied oral contract was thus entered into with Plaintiff, others like her and COP. Said contract was renewed annually through the payment of a full tithe and biannually through renewal of one's temple recommend. Renewal of a temple recommend is not possible without payment of a full 10% of one's income. Temple access and its promised benefits, both tangible and intangible, e.g., dream wedding in a castle-type temple, exaltation, and the right for a family to be together forever, is always conditioned on payment of 10% of one's income.

185. Upon discovery of the misrepresentations about Mormon origins, including but not limited to the truth of Smith's account of his first vision, the true manner in which the *Book of Mormon* was created and that the *Book of Abraham* was not written by the Hebrew prophet, nor does it depict his life or teachings, Plaintiff and others in similar positions *vis a vis* Defendant COP, disassociated and/or resigned from the Mormon Church in order to maintain their integrity.

186. When the misrepresentations were made, Plaintiff and upon information and belief the other Class members, had no knowledge of COP's lack of sincerity, nor reason to suspect as such, having been told to trust their leaders. They reasonably relied on the misrepresentations.

187. Had Plaintiff and others like her known the truth of the factual misrepresentations, they would not have entered into the contract with Defendant COP.

188. Reliance caused Plaintiff, LAURA GADDY, and upon information and belief other members of the Class, injury in the form of loss of substantial amounts of money paid to COP, and the loss of months, if not years, of their lives serving a mission for a religion based on a lie. All losses were due to COP's continued and ongoing misrepresentations of important facts, facts

which COP's Brethren, those who oversee Correlation, did not sincerely believe at the time.

189. Reliance caused Plaintiff and other individuals like her emotional and psycho-social distress in that they made major decisions and lived a life based upon lies and partial truths.

190. Wherefore, GADDY individually and on behalf of the Class, elects to sue for money damages for fraudulent inducement to contract as allowed under Utah Code §70A-2-721.

FOURTH CAUSE OF ACTION: FRAUDULENT CONCEALMENT

191. Plaintiff hereby incorporates paragraphs 1-190 above as though fully set forth herein.

192. Plaintiff GADDY was in the type of relationship with COP's agent/leaders that mandated COP had/has a duty to disclose material facts to her and others like her.

193. COP knew the true facts of Smith's account of his first vision, that the *Book of Mormon* was created by looking at a seer stone in a hat and was not a direct translation from gold plates inscribed with the histories and teachings of ancient Americans with Hebrew ancestry and that the *Book of Abraham* was not written by the hand of the Hebrew prophet Abraham, nor did it depict him in facsimiles contained therein, among other material historical facts about its history.

194. COP intentionally concealed those facts from GADDY and others like her, similarly situated, by covering up, lying, distorting/ hiding, obfuscating, and/or instructing their employees and agents to teach only a false and/or whitewashed and vacuous version of Mormon history, including the source of its scripture.

195. Though COP was advised of the emotional and psychosocial injury to members who came to know true Mormon history, COP and its employees, acting in *loco parentis* and refusing to appreciate that its members deserve to know the truth of Mormon foundations and/or how their tithing would be used, and to make their own decisions based on that truth, revealed the true

facts in only a limited piecemeal way, thereby continuing the tort of fraudulent concealment to this very day where COP through its agents continues to post false pictures of the method Smith used to create the *Book of Mormon*, of the account of his first vision, and lies re: the source and depictions in the *Book of Abraham*.

196. GADDY and those like her did not know about Smith's handwritten account of his 1820, vision, that Smith's original account was not the correlated version, which had not been published until after he died, that Smith supervised the writing of the Church's "Fifth Lecture on Faith," which referenced God as a spirit and not a personage independent of Christ, that the *Book of Mormon* was created by looking at a seer stone in a hat and was not a direct translation from gold plates or that the *Book of Abraham* was not written by the hand of the Hebrew prophet, and did not depict him in the facsimiles contained therein, among other aspects of Mormon history. Plaintiff GADDY and those like her had no reason to look to other sources; they had been urged to trust their leaders who had convinced them that they would never lead the members astray.

197. GADDY and those like her reasonably relied on the misrepresentations identified above.

198. GADDY and others like her were damaged as a result of COP's intentional or reckless concealment of any or all of the above enumerated foundational facts as well as others.

199. Defendant COP's failure to disclose the material true facts about Mormon history was a direct and proximate cause of the damages suffered by GADDY and others similarly situated.

FIFTH CAUSE OF ACTION: CIVIL RICO —18 U.S.C. § 1962(c)

200. GADDY realleges and incorporates by reference her allegations in paragraphs 1-199 above as if fully set forth herein.

201. COP engaged in a scheme or schemes to defraud GADDY and other Class members by

means of fraudulent representations as more fully set forth above. COP knowingly devised or knowingly participated in a scheme and/or artifice to defraud GADDY and other class members to obtain their money or property by means of false or fraudulent pretenses, representations, or promises.

202. COP could foresee that the U.S. Postal Service and interstate wires would be used “for the purpose of” advancing, furthering, executing, concealing, conducting, participating in or carrying out the fraud scheme, within the meaning of 18 U.S.C. §§ 1341 and 1343.

203. In particular, pursuant to the scheme to defraud GADDY and other class members, COP knew or could foresee that the U.S. Postal Service and interstate wires would be used to receive and/or deliver, *inter alia*, communications for the purpose of persuading Mormons to donate their time, money, and energy for the economic benefit of the Mormon Corporate Empire.

204. COP acting singly and in concert, personally or through its agents, used the U.S. Postal Service and interstate wires or caused the U.S. Postal Service or interstate wires to be used “for the purpose of” advancing, furthering, executing, concealing, conducting, participating in, or carrying out a scheme to defraud GADDY and other class members within the meaning of 18 U.S.C. §§ 1341 and 1343.

205. It is not possible for GADDY to plead with particularity all instances of mail and wire fraud that advanced, furthered, executed, and concealed the scheme because the particulars of many such communications are within the exclusive control and knowledge of COP. By way of example, however, COP specifically used the U.S. Postal Service or interstate wires or caused the U.S. Postal Service or interstate wires to deliver each and every email, electronic transfer, conference speech, letter, mailing, and other uses of the mail and wire described in ¶¶ 98-105.

206. Upon information and belief, some of the wire communications described above occurred between persons in the same state but crossed interstate borders by reason of the technology and other mechanisms used to transmit the communication.

207. Each and every use of the U.S. Postal Service or interstate wires described above was committed by COP acting singly and in concert, personally or through its agents, with the specific intent to defraud GADDY and other class members to obtain the money or property of GADDY and other class members by means of false or fraudulent pretenses, representations, or promises, COP's acts of mail and wire fraud in violation of 18 U.S.C. §§ 1341 and 1343 constitute racketeering activity as defined by 18 U.S.C. § 1961(1)(B).

208. The Mormon Corporate Empire (consisting of COP, CES, Correlation, IRI, DMC, DB, DNP, DDM, BIC, CPB, EPA and unnamed shell entities, their employees, and local individuals who lead the Church (or any subset thereof) constitutes an "enterprise," within the meaning of 18 U.S.C. §§1961(4) & 1962(c), in that they are "a group of individuals associated in fact."

a.) The members of the Empire shared the common purpose(s) of (among other things) defrauding Mormons of money or property and publishing and otherwise disseminating false religious facts and/or statements about the use of tithes which the Brethren and those in charge of Correlation did not sincerely believe.

b.) The members of the Empire are related in that they are all involved in the correlation and publication of Mormon rhetoric and propaganda and in the collection and transfer of money from individual Mormons to Defendant COP.

c.) The Empire possesses sufficient longevity for the members to carry out their purpose(s) in that the Empire has existed (at minimum) from the early twentieth century through the present.

209. COP is a “person” within the meaning of 18 U.S.C. §§1961(3) & 1962(c), who conducted, participated in, engaged in, and operated and managed the affairs of the Mormon Educational Empire through a pattern of racketeering activity within the meaning of 18 U.S.C. §§1961(1), 1961(5) & 1962(c). This pattern of racketeering activity consisted of, but was not limited to, acts of mail and wire fraud as set forth in Paragraphs 71-93 and 96-103, *supra*.

210. In the alternative to ¶¶ 208-209 above, the Mormon Educational Empire (consisting of all individual missionaries, all individual conference speakers and organizers, all Mormon-affiliated Seminary, Institute and higher institutions of learning, their instructors, and all local lay leaders and teachers (or any subset thereof) constituted an “enterprise,” within the meaning of 18 U.S.C. §§1961(4) & 1962(c), in that they are “a group of individuals associated in fact.”

a). The members of the Mormon Educational Empire shared the common purpose(s) of (among other things) publishing and otherwise disseminating false historical facts and/or false statements regarding the past, current and future use of tithing which agents-employees of COP, the Brethren, and administrators in charge of Correlation did not sincerely believe.

b). The members of the Mormon Educational Empire are related in that they are all involved in the publication and dissemination of Mormon rhetoric and propaganda.

c). The Mormon Educational Empire possesses sufficient longevity for the members to carry out their purpose(s) in that the Mormon Educational Empire has existed (at a minimum) from the mid twentieth century through the present.

211. COP is a “person” within the meaning of 18 U.S.C. §§1961(3) & 1962(c), who conducted, participated in, engaged in, and operated and managed the affairs of the Mormon Educational Empire through a pattern of racketeering activity within the meaning of 18 U.S.C.

§§1961(1), 1961(5) & 1962(c). This pattern of racketeering activity consisted of, but was not limited to, acts of mail and wire fraud as set forth in Paragraphs 74-97 (above).

212. At all relevant times, the enterprises alleged in paragraphs 208-211 (above) were engaged in, and their activities affected, interstate commerce.

213. All of the acts of racketeering described in paragraphs 74-97, and 98-105 (above), were related so as to establish a pattern of racketeering activity within the meaning of 18 U.S.C.

§1962(c), in that their common result was to defraud GADDY and other class members of money and property; COP, through its employees, members, or agents, directly or indirectly, participated in the acts and employed the same or similar methods of commission; GADDY and class members were the victims of the acts of racketeering; and/or the acts of racketeering were otherwise interrelated by distinguishing characteristics and were not isolated events.

214. All of the acts of racketeering described in Paragraphs 74-97 and 98-105 (above) were continuous so as to form a pattern of racketeering activity in that the COP engaged in the predicate acts over a substantial period (at least from the early or mid-20th Century to the present) or in that the acts of racketeering are ongoing and threaten to continue indefinitely.

215. As a direct and proximate result of, and by reason of, the activities of COP and its conduct in violation of 18 U.S.C. §1962(c), GADDY and other class members have been injured in their business or property, within the meaning of 18 U.S.C. §1964(c). Among other things, GADDY and other class members suffered damages, i.e., damages to the extent they donated money, time and effort to the Mormon Church in reliance upon Defendant COP's misrepresentations concerning (among other things) Smith's account of his first vision, Smith's creation of the *Book of Mormon*, and Smith's translation of the *Book of Abraham* and/or

representations as to the past and future use of their tithing funds. GADDY and other class members are, therefore, entitled to recover threefold damages which they sustained together with the cost of the suit, reasonable attorneys' fees and reasonable experts' fees.

216. To the extent this Complaint seeks damages for personal injuries and emotional distress, such damages are not sought pursuant to this cause of action. Damages sought pursuant to this count are limited to injuries to GADDY's and the other class members' business or property.

217. GADDY and other class members suffered, continue to suffer, and will suffer substantial damage to their property by reason of COP's acts of racketeering.

SIXTH CAUSE OF ACTION:

INTENTIONAL (RECKLESS) INFLICTION OF EMOTIONAL DISTRESS

218. GADDY realleges and incorporates by reference her allegations in paragraphs 1-217 above as though fully set forth herein.

219. COP's above-described conduct consisting of knowingly and repeatedly misrepresenting the foundational facts of Mormon history, offends generally accepted standards of decency and morality. Hiding Smith's seer stone used to translate the *Book of Mormon* in a secret vault for over a century, teaching lay members a false version of its history while hiding the true facts which were known to its leaders and, working under a principle of "Lying for the Lord," is and continues to be so extreme as to exceed all bounds of what is usually tolerated in a civilized community, and in this particular case, especially by an ostensibly religious organization who purports to espouse the attributes of honesty, including both lies and omissions.

220. COP's conduct in misrepresenting its foundational facts and continuing conduct of

concealing access to those facts, was and is more than merely unreasonable, unkind, or unfair. It is the height of hypocrisy and abuse, encompassing not only a pious, but an ongoing, pervasive secular fraud which has damaged Plaintiff and others like her in the Class at an existential level.

221. The significant injuries to its members have been documented in the aforementioned *Faith Crisis Report*. These injuries include, but are not limited to: emotional harm in the form of existential crises, suicidal ideation, destruction of familial relationships, insomnia, anxiety and depression.

222. As of at least the date the *LDS Faith Crisis* report was published, COP had actual and comprehensive knowledge of the devastating effect of its fraudulent conduct. COP made some limited effort to address the inaccuracies of the long-standing orthodox narrative through the serial publication of its essays. However, the failure to announce the publication to the general membership, and indeed the concealing of the very existence as well as content of the essays due to a desire to inoculate the true-believers, along with the continuation to spin the foundational facts amidst quasi-corrective admissions with limited distribution, is so extreme as to offend the very standards of decency and morality which Mormonism claims, and which moral principles, in particular honesty, it instructs its lay members to practice. This is particularly true considering the continued promises that the GAs, the Brethren and the prophet will never lead the members astray and, even as recently as 2016, to avoid the internet as a source for Mormon research.⁶¹

223. Said infliction of emotional distress is continuing and ongoing since there are close family and friends of Plaintiff, and upon information and belief, of the friends and families of

⁶¹ Apostle Russell M. Ballard, Address to the Church Educational System (CES) religious educators and missionaries, S&I personnel, and stake-called seminary and institute teachers, broadcast on Feb. 26, 2016.

each member of the Class who believe that Plaintiff and Class members are evil, of the devil, spew Anti-Mormon lies, etc., due to their questioning and/or disagreement with COP's orthodox, yet false narrative. This schism among members and former members has led to a myriad of emotional stressors, as listed above and as more fully documented in the *Faith Crisis Report*.

224. Said damage will continue until and unless COP's top hierarchal employees and local agent-leaders make unequivocal statements owning their prior false statements and intentional or reckless misrepresentations of foundational fact and fully acknowledge the truth of those facts to all members and potential members. Only then will the significant damage to the mental and emotional health of former and questioning members and to the relationships, both familial and collegial, amongst those subsets of members, questioning and former, begin to heal.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff LAURA GADDY, individually and on behalf of the Class, prays for the following judgment:

1. An order certifying the Class as defined above, appointing Plaintiff LAURA GADDY as the representative of the Class, and appointing her counsel as Class Counsel; and
2. An award of special damages in the actual out-of-pocket monetary loss from such violations in the sum of the amount that Plaintiff and each class member has paid in tithing, tuition and/or missionary expense over the course of their affiliation with the Mormon Corporate Empire; and
3. An award of reasonable attorneys' fees and non-taxable costs to be paid out of the common fund prayed for above; and,
4. As to the RICO claim: Treble damages pursuant to 18 U.S.C. §1964(c); Attorney fees and costs pursuant to 18 U.S.C. §1964(c); and,

5. General Damages for causes of action other than under RICO; and
6. Punitive damages for all common law fraud-based claims, breach of duty of full disclosure and intentional infliction of emotional distress; and
7. For interest at the judicial rate; and,
8. Such other and further relief that the Court may deem reasonable and proper.

X. JURY DEMAND

Plaintiff LAURA GADDY, individually and on behalf of the class, requests a trial by jury of all claims that can be so tried.

Respectfully Submitted,

Dated: the 30th day of March, 2020

By: /s/ Kay Burningham

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